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July 19, 1996

VIA UPS OVERNIGHT

Office of the Secretary
Federal Communications Commission
1919 M Street, N.W.
Washington, D.C. 20554

DOCKET FILE COPY ORIGINAL

Dear Mr. Secretary:

Enclosed please find an original signature copy and five additional copies of Comments regarding Grandfathered Short-Spaced FM Station, MM Docket No. 96-120, RM-7651.

Thank you for considering this firm's comments on this proposal.

WSR/s

Enclosures

Sincerely,

Wayne S. Reese

Wayne S. Reese,
President

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Before the
FEDERAL COMMUNICATIONS COMMISSION FCC 96-236
Washington, D.C. 20554

In the Matter of:)
)
Grandfathered Short-Spaced) MM Docket No. 96-120
FM Stations) RM-7651

Comments of E. Harold Munn, Jr. & Associates, Inc.

INTRODUCTION

1. The Commission is to be commended for instituting this proceeding in response to the "Joint Petition" for rule making filed February 1, 1991, by the firms of Hatfield and Dawson; du Treil, Lundin and Rackley, Inc.; and Cohen, Dippell and Everist, P.C. ("Joint Petitioners"). The Joint Petitioners propose amendment of Section 73.213(a) to permit greater latitude in changes by grandfathered short-spaced stations.

2. The Joint Petition seeks to correct perceived inequities resulting from the amendment in 1987 of Section 73.213, which proscribed any change in grandfathered stations which would extend the predicted distance of the 1 mV/m contour towards the 1 mV/m contour of short-spaced stations.

BACKGROUND

3. The Commission, in the NPRM, detailed the historic background which first established Section 73.213, and the resulting table of routinely permissible power and antenna height limits for grandfathered stations. This background need not be repeated by the commenter.

4. It should be noted, however, that consideration of second and third adjacent channel interference did not become part of the Standards of Good Engineering Practice Concerning FM Broadcast Stations until the publishing of Amendment 336 in the Federal Register June 21, 1947. Even then, Table II showed the interference ratio for 400 kHz and 600 kHz separation "To be determined" based on measurements of various types of FM receivers.

5. Experience has shown that there is little or no objectionable interference between short-spaced stations operating on second or third adjacent channels.

COMMENTS ON PROPOSALS

6. This firm believes the Commission proposals merit adoption. Many Class B stations which were established prior to November, 1964 are now short-spaced, and have experienced difficulty in relocating since the amendment of Section 73.213 in 1987. Certain Class A stations have similar allocation problems. In accordance with the Commission request for information concerning "grandfathered" short-spaced stations, this office is preparing a list which will be supplied to the Commission, of stations which are known by this firm to fall into the appropriate category.

7. The Commission proposal to replace the restriction on extension of the 1 mV/m contour with interference showings should be adopted. This proposal is now practical, with the adoption of standardized computer calculation methods for determining antenna heights above terrain, and calculating the distances to protected and interference contours. This approach also conforms with international agreements between the United States of America, Canada, and the United Mexican States concerning FM broadcasting allotments and station modifications.

8. Section 73.4235, and other references thereto may be properly deleted, assuming adoption of the Commission proposals.

9. The affirmation of the need for adequate public interest showings is a necessary adjunct to any request for a transmitter site change, where a new area would receive co-channel or first-adjacent channel interference. The proposal by the Commission appears to address this matter in a suitable fashion.

COMMENT CONCERNING "GRANDFATHER" PERIOD

10. The Commission has considered only those FM stations established between 1945 and November 16, 1964 (the effective date of Section 73.207) and short-spaced to another station established in that time period, as being eligible for "grandfathered" status. However, the majority of FM stations which are short-spaced under Section 73.207 were established between November 16, 1964 and March 1, 1984. An example of such a short-spacing would be between WVGR, Channel 281, Grand Rapids, MI, established in 1961, and WSNX, Channel 283, Muskegon, MI, established in 1971.

11. It is respectfully submitted that the Commission should reconsider the time span which covers "grandfathered" stations, with a view to permitting modifications by stations such as WSNX under Section 73.213.

CERTIFICATION

The comments included in this filing were prepared by Mr. Virgil Royer, FM Allocations Specialist, under the direction of Wayne S. Reese, President, for the firm of E. Harold Munn, Jr. & Associates, Inc., 100 Airport Drive, Coldwater, MI 49306.

All data contained in these comments are true and accurate to the best of my knowledge and belief.

July 19, 1996

By Wayne S. Reese
Wayne S. Reese, President